

Hon. Mr. Hanan.

## STATUTE LAW AMENDMENT.

### ANALYSIS.

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### A BILL INTITULED

AN ACT to amend certain Acts of the General Assembly of New Zealand. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Statute Law Amendment Act, Short Title.  
1917.

No. 72—1.

*Education Act Amendment.*

Education Board  
may establish  
practising schools  
in connection  
with training  
colleges.

2. (1.) Any Education Board having the control of a training college established under the Education Act, 1914, may, with the approval of the Minister of Education previously obtained, establish and maintain in connection with such training college one or more public schools as normal or practising schools. 5

(2.) Any public school so established shall not be subject to the control of the School Committee of the school district in which such school is situated.

(3.) Notwithstanding anything in the Education Act, 1914, the Governor-General may, from time to time, by Order in Council gazetted, make regulations for the control and organization of any such school, and for the number and salaries of the teachers to be from time to time employed therein: 10

Provided that the number of teachers employed in any such school shall be not less than the number prescribed in the Fifth Schedule to the said Act for an ordinary public school of the same grade, and the salaries payable to those teachers shall be not less than the salaries that would be payable to them if they were employed in an ordinary public school as aforesaid. 15

(4.) For the purpose of securing the efficient and economic administration of any such school, the Education Board having control thereof may, with the approval of the Minister of Education, transfer any teacher from a normal or practising school to a position in any other school, without reduction of salary, notwithstanding that the grade of salary attached to such new position may be less than the grade of salary attached to the position from which he has been so transferred. 20

(5.) The provisions of this section shall apply to normal or practising schools established before the passing of this Act, and to the teachers employed therein, and all such schools shall be deemed to have been lawfully established. 30

Special provisions  
as to organization  
of model schools  
and classes for  
backward pupils.

3. (1.) Section fifty-six of the Education Act, 1914, is hereby amended by adding to the second proviso to subsection two the words "and may, with the like approval, modify the organization of any such school so as to provide for the instruction under one teacher of a group of not more than forty children at different stages of progress according to the scheme of classification for the time being in force." 35

(2.) Section seventy-seven of the Education Act, 1914, is hereby amended by adding to subsection one the following proviso:—

"Provided that, in the case of a special class for backward children, or in the case of a public school established as a model school, an additional assistant, with a salary not exceeding the salary of Grade 3 may, with the precedent approval of the Minister, be appointed." 45

Definition of  
"technical school"  
amended.

4. Section one hundred and nine of the Education Act, 1914, is hereby amended by repealing the definition of "technical school" and substituting the following definition:—

"Technical school" means a school in which technical courses or technical and vocational courses are given. 50

5. Section one hundred and thirteen of the Education Act, 1914, is hereby amended by omitting from subsection one the words "other than schools established by a University college," and substituting the words "which, on the application of the controlling authority or on the advice of the Council of Education, have been approved by the Minister for the purposes of this section."

Section 113 of Education Act, 1914 (as to control of technical schools by managers), amended.

6. The Fifth Schedule to the Education Act, 1914, is hereby amended as follows:—

Increased capitation allowance to schools with less than nine pupils in average attendance.

(a.) By omitting from paragraph (i) of Part I the words "a yearly average," and substituting the words "an average";

(b.) By omitting the words "£6 per annum for every pupil in yearly average attendance," and substituting the words "£8 per annum for every pupil in average attendance."

7. The Tenth Schedule to the Education Act, 1914, is hereby amended by omitting therefrom all words preceding paragraph (e), and substituting the following words:—

Tenth Schedule to Education Act, 1914, amended.

"There shall be paid to each secondary school in cases where the total annual income from endowments is less than £2 per head an annual grant of £200, and in all other cases an annual grant of £100, together with, in all cases, a capitation allowance for each free pupil equal to the deficiency of the net annual income per head below £13 10s. per annum."

8. (1.) Notwithstanding anything to the contrary in the Education Act, 1914, the Governor-General in Council may make such regulations as he thinks advisable, having regard to the exigencies of the present war or the conditions created thereby, for all or any of the following purposes, namely:—

Power to make regulations modifying provisions of Education Act, 1914, to meet conditions arising out of war.

(a.) For the appointment, payment, transfer and removal of temporary teachers in public and Native schools, and the conditions on which such teachers may become contributors to the Teachers' Superannuation Fund;

(b.) For the appointment of teachers who may be members of the New Zealand Expeditionary Force;

(c.) For the staffing of public and Native schools, and for the adjustment of the salaries payable to teachers and others employed in such schools; and

(d.) For providing grants to School Committees of such amounts as may be appropriated by Parliament for the purpose, in addition to the grants authorized by the Education Act, 1914.

(2.) No regulation under this section shall be deemed invalid because it deals with any matter already provided for in any Act or is contrary to any provision of any Act.

(3.) The provisions of this section and all regulations hereafter to be made thereunder shall, unless sooner repealed or revoked, remain in operation during the present war with Germany, and for six months thereafter, or for such shorter period as the Governor-General may by Proclamation made after the end of that war determine, and and on the expiration of such period shall be deemed to be repealed or revoked.

Amended provisions  
as to funds and  
accounts of  
Education Boards.

9. Subsection six of section thirty-three of the Education Act, 1914, is hereby repealed, and the following substituted therefor:—

“(6A.) In particular, the moneys granted out of the public funds or otherwise made available for the maintenance and repair of schools and of teachers’ residences (including the repair and renewal of outbuildings, furniture, and fences, and also including alterations and small additions to buildings, and other similar purposes), and for the rent of school buildings or sites of school buildings shall form one special fund; the moneys received for the rebuilding of worn-out schools, or schools destroyed by fire, and for the replacement of school class-rooms, together with any moneys received by the Board for the sale of school buildings or residences that require to be replaced, shall form another special fund; and the moneys received by the Board from grants out of the public funds, donations, or otherwise for the building of new schools or residences, or for providing accommodation for an increased number of pupils, or for similar purposes, shall form a third special fund.

“(6B.) Except in so far as may otherwise be agreed upon between the Minister and the Board, all moneys forming the balance to the credit of the Board’s special fund for the upkeep, repair, and rebuilding of schools, teachers’ residences, and other similar purposes, together with all money assets due to that fund on the date of the passing of this Act, and less any liabilities actually incurred and properly chargeable at that date against that fund, shall, on the passing of this Act, be deemed to form part of the special fund for the rebuilding and replacement of schools and class-rooms.”

*Probation Homes for Children.*

Establishment of  
probation homes.

10. (1.) The Minister of Education may, by notice in the *Gazette*, declare any school established under the Industrial Schools Act, 1908, to be a Probation Home for Children, and may also, from time to time, appoint fit and proper persons to be Juvenile Probation Officers.

(2.) Every Probation Home for Children shall be in charge of a Juvenile Probation Officer, appointed as aforesaid.

(3.) Every person appointed as a Juvenile Probation Officer shall with respect to children who may be subject to any of the provisions of the Industrial Schools Act, 1908, or with respect to children of any of the classes specified in section seventeen of that Act, have all the powers of a police constable, and shall be entitled to the same protection and privileges in the performance of his duties as a police constable.

(4.) Section forty of the Industrial Schools Act, 1908, is hereby amended by adding the following paragraph:—

“(g.) For the control of children committed to a Probation Home for Children, and defining the powers and duties of Juvenile Probation Officers with respect to those children.”

*New Zealand University Amendment.*

New Zealand  
University  
Amendment Act,  
1915, extended.

11. The expression “students who have enlisted for service in the war,” in section two of the New Zealand University Amendment Act, 1915, shall be deemed to include students who have already

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been or shall hereafter be called up for service with the Expeditionary Force under the Military Service Act, 1916, and the expression "enlistment," in paragraphs (a) and (b) of the said section, shall be deemed to include such calling-up.

5 12. (1.) The Senate may pay to any member for the time being of the Senate, or of any other Court in the University, who has acted at the request of the Senate, as examiner, in any subject or subjects, such fees or stipends as it may think reasonable for his services.

New Zealand University Senate may pay fees to members of Senate acting as examiner.

10 (2.) All payments heretofore made by the Senate which would have been authorized had this section been in force when such payments were made are hereby validated.

13. Section twenty-nine of the New Zealand University Amendment Act, 1914, is hereby amended by adding to subsection two thereof the words "or in any branch of economics."

Extension of provisions as to National Research Scholarships.

15 *Prisons Amendment.*

14. (1.) It shall be the duty of the Prisons Board constituted under the Crimes Amendment Act, 1910,—

Functions of Prisons Board enlarged.

20 (a.) To make inquiry from time to time, at the request of the Minister of Justice, as to whether there are sufficient grounds for granting the release on probation of any person undergoing a sentence of imprisonment with or without hard labour for any period exceeding two years;

25 (b.) After making such inquiry as aforesaid, to make recommendations to the Governor-General as to the release on probation of any such person, and as to the conditions (if any) which should be imposed on any such release on probation; and

30 (c.) In making any such recommendation to have regard to the safety of the public or of any individual or class of persons, and to the welfare of the person whom it is proposed so to release on probation.

(2.) The report to be made by the Board pursuant to paragraph (b) of section twelve of the last-mentioned Act shall include a report as to the operations of the Board under this section.

35 (3.) The provisions of sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen of the said Act shall, *mutatis mutandis*, apply in the case of persons in respect of whom the Board may make recommendations for their release on probation under this section.

40 (4.) For the purposes of this section the reference in section seventeen of the said Act to probation from reformatory detention shall be deemed to be a reference to probation from imprisonment, and the references in sections seventeen, eighteen, and nineteen of that Act to sentence of reformatory detention shall be deemed to be 45 references to sentence of imprisonment.

(5.) Nothing in this section shall apply to any person who is an habitual criminal, or habitual offender, or a person sentenced to a period of reformatory detention, or to any person who has served less than half of the full term to which he was sentenced:

50 Provided that, in the case of persons sentenced to imprisonment for life (including persons sentenced to death whose sentences have

been commuted to imprisonment for life), the provisions of this section may apply after *eight* years of that sentence have been served.

Quorum of Prisons Board.

15. Section ten of the Crimes Amendment Act, 1910, is hereby amended by repealing subsection one, and substituting the following subsection therefor:—

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“(1.) Three members of the Board shall constitute a quorum of the Board.”

Additional powers to make regulations as to administration of prisons.

16. (1.) Section eight of the Prisons Act, 1908, is hereby amended,—

(a.) By inserting, after the word “necessary” in paragraph (h), the words “for the effective administration of this Act, or”; and

(b.) By adding the following paragraphs to the said section,—

“(i.) The classification of prisons or other institutions established under this Act into two or more grades with such distinctive names as are deemed suitable for the class of prisoners confined therein;

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“(j.) The titles that may be given to the officers appointed to the charge of such prisons or institutions, and the powers and duties of such officers;

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“(k.) That all convicted prisoners received into prison who have not been sentenced to hard labour may be set to some work or labour of a kind to be prescribed.”

(2.) In passing sentence upon any prisoner the Court may exempt such prisoner from the operation of any regulations under paragraph (k) of this section.

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#### Counties Amendment.

Defaulting ratepayers not to vote at county elections.

17. (1.) Notwithstanding anything in the Counties Act, 1908, no person shall be qualified to be elected a Councillor or entitled to vote at any election of Councillors or at any poll on any proposal submitted to the electors or ratepayers of the county unless he has previously paid all rates then due by him.

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(2.) It shall be the duty of the Clerk to send to the Returning Officer, not later than ten days before the day fixed for the holding of any election or the taking of any poll, a list of all ratepayers whose rates or any part thereof have not then been paid.

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Miners' rights qualification limited to certain counties.

18. The provisions of the Counties Act, 1908, relating to the qualification of a county elector in respect of a miner's right shall not apply in any county in which the rating of mining property is in force.

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Petitions under Counties Act or Road Boards Act not to be signed by persons who have made default in payment of rates.

19. (1.) Notwithstanding anything to the contrary in the Counties Act, 1908, or the Roads Boards Act, 1908, no person shall sign a petition under either of those Acts, or any amendment thereof, either as a ratepayer or as an elector by virtue of being a ratepayer, while any rates then due by him to the Council of the County or the Board of the Road District to which the petition relates are unpaid.

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(2.) For the purpose of ascertaining whether the required proportion of ratepayers or electors, as the case may be, have signed a petition under either of the said Acts, or any amendment thereof, the total number of ratepayers or electors in the area affected by the petition shall be deemed to be the number on the ratepayers' or

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electors' roll, as the case may be, less the number whose rates are unpaid at the date on which the petition is purported to have been signed.

(3.) Every petition under either of the said Acts shall, on presentation, be accompanied by a statutory declaration by the Clerk of the County Council or Road Board, as the case may be, to the effect that the persons signing the petition are ratepayers or electors whose rates have been paid, and that the petition has been signed by the required proportion of ratepayers or electors.

*Defence Act Amendment.*

20. Notwithstanding anything to the contrary in section fifty-one of the Defence Act, 1909, or in section two of the Defence Amendment Act, 1912, any person who is convicted of the offence of evading or of failing to render the personal service required of him under Part III or Part VI of the Defence Act, 1909, may, in the discretion of the convicting Magistrate or Justices, be committed, without the option of a fine, to military custody for such period as the Magistrate or Justices think fit, not exceeding *twenty-eight* days.

Person evading service in Territorial Force may be committed to military detention without option of fine.

*Land Settlement Finance Amendment.*

21. Section eighteen of the Land Settlement Finance Act, 1909, is hereby amended by adding to subsection six thereof the following proviso :

Section 18 of Land Settlement Finance Act, 1909 (relating to default in payment of interest), amended.

Provided that the Public Trustee may, with the consent of the Minister of Finance, wholly or partially remit the payment of any such additional interest, whether the same has accrued due before or after the coming into operation of this Act, and may with the like consent make such terms, concessions, or arrangements regarding the time and mode of payment of any such additional interest or overdue instalment of interest, and in lieu of charging such additional interest may with the like consent charge interest at such rate, not exceeding in any case *ten* pounds per centum per annum, on any overdue instalment of interest until payment thereof, as the Public Trustee may deem desirable or expedient.